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May 1, 2001

David M. Robinson, Attorney
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560 N. Nimitz Highway
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Re: BACKMAN, Daniel
D/Iinjury: 7/31/97

Dear Mr. Robinson:

I am writing this letter in reply to your letter dated 4/17/01 regarding Mr. Daniel Backman, a patient whom I have seen in consultation.

I have read Dr. Diamond's lengthy Independent Medical Evaluation report, as well as the cover letter from Leighton K. Oshima, Attorney. I understand the radiologist, Dr. Yeoh, did not see any significant stenosis of neural foraminal narrowing at C4-5. This does conflict with my interpretation of the MRI. In addition, I note that Dr. Diamond wishes to obtain electrodiagnostic studies to confirm whether or not the patient has a radiculopathy related to the abnormality at C4-5.

My opinion on Mr. Backman remains essentially unchanged. His case is certainly complicated by the involvement of multiple providers who have tried to help him in the past, as well as other underlying conditions noted in his medical record. I still feel that if he remains symptomatic of neck and radicular arm pain, there is a 50-60% chance that he would benefit from the surgery I proposed in December 2000. Obtaining an interpretation of his MRI from a neuroradiologist would be unnecessary, as he has already been shown to have abnormal stenosis at C4-5 on the 1999 study as well as the 2000 study. However, if the patient's insurance company wishes to pay for this review, then perhaps Dr. Stephen Holmes, a neuro-radiologist, would serve to resolve the issue.

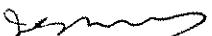
Regarding Dr. Diamond's recommendation for an IME. In my experience, given this situation where the patient has had previous surgery, EMG and nerve conduction studies are not helpful. Again, however, if the insurance company wishes to pay for one of these studies, then I would certainly not be opposed.

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It is my concern that continued delays may not only undermine any gains to be obtained by surgery on Mr. Backman, but also lengthen the postoperative recovery and expose him to coexisting conditions, such as a frozen shoulder, which commonly develops after a long period of chronic neck and arm pain. The presence of these complications often lengthens the recovery time and increases the costs of postoperative care.

If you have any further questions, please do not hesitate to contact me.

Sincerely,


Jon F. Graham, M.D., F.A.C.S.

JFG/lmc